



Driving progress  
through partnership

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April 23, 2019

**VIA ECF**

Hon. Steven I. Locke  
United States District Court Magistrate Judge  
100 Federal Plaza, Courtroom 820  
Central Islip, NY 11722

Re: *Cicel (Beijing) Science & Technology Co., Ltd. v. Misonix, Inc.*,  
Case No. 2:17-cv-01642-ADS-SIL (E.D.N.Y.)

Dear Magistrate Judge Locke:

On behalf of Plaintiff Cicel (Beijing) Science & Technology Co., Ltd. (“Cicel”) and Defendant Misonix, Inc. (“Misonix”), the undersigned counsel hereby respond to the Court’s Orders dated April 15, 2019 and April 18, 2019 directing the parties to submit a joint status letter on or before April 24, 2019 with a proposed modified scheduling order as appropriate. (See ECF Dkt. No. 90.)

On April 23, 2019, counsel for Cicel and Misonix conferred regarding the schedule for discovery in this matter. During the meet and confer, Misonix noted its preference to finish depositions on the current operative claim prior to the original May 29, 2019 deadline. But because the Court ordered that deponents can only be deposed once, *see* ECF Dkt. No. 90, Misonix believes that proceeding now with depositions could prejudice its defense if Cicel’s motion for leave to amend its complaint is granted, particularly given the fact that Misonix has not yet sought documents from Cicel about its proposed claims, which are not part of the existing case. Cicel is willing to proceed with depositions and has suggested that the parties agree to allow questions about the claims in its proposed Second Amended Complaint. But because Misonix has refused to agree to allow such questions, Cicel believes that it makes sense to defer depositions until after a decision on its motion for leave to amend its complaint.

In light of the foregoing, the parties have agreed that all depositions, including those currently scheduled, should be deferred until after a decision on Cicel’s motion for leave to amend its complaint. Accordingly, the parties respectfully request that the deadline for taking depositions in this matter be deferred until after a decision on Cicel’s motion for leave to amend its complaint. The parties will jointly move the Court for a scheduling conference within seven days of the Court’s decision on Cicel’s motion for leave to amend its complaint.

Respectfully submitted,

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